

On August 7, 1942, the Miami Margarine Co., claimant for the product seized at Mobile, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reprinted or repackaged under the supervision of the Food and Drug Administration.

On September 10, 1942, no claimant having appeared for the product located at Birmingham, judgment of condemnation was entered and it was ordered denatured and sold to rendering plants to be manufactured into glycerine or other product to be used for war purposes.

4145. Misbranding of oleomargarine. U. S. v. 36 Cases, 600 Cases, and 200 Cases of Oleomargarine. Consolidated decree of condemnation. Product ordered released under bond. (F. D. C. Nos. 7854, 7966. Sample Nos. 93259-E, 12809-F.)

On July 6 and 23, 1942, the United States attorney for the District of Oregon filed libels against 36 cases each containing 15 2-pound prints of oleomargarine at Klamath Falls, Ore., and 600 cases each containing 15 2-pound cartons and 200 cases each containing 30 1-pound cartons of oleomargarine at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about May 29 and July 3, 1942, by the Vegetable Oil Products Co., Inc., from Los Angeles and Wilmington, Calif.; and charging that it was misbranded. The article was labeled in part: "Sunny Bank Vegetable Vitamin A Added Oleomargarine."

It was alleged to be misbranded in that it purported to be oleomargarine, a food for which a definition and standard of identity had been prescribed by regulations as provided by law and it failed to conform to such definition and standard since it contained less than 80 percent of fat, namely, from 74.10 to 79.70 percent of fat. It was alleged to be misbranded further in that the statement "Vegetable Fats 81%" borne on the label was false and misleading.

On September 3, 1942, the Vegetable Oil Products Co., Inc., having appeared as claimant and the cases having been consolidated, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration.

EGGS

4146. Adulteration of turkey eggs. U. S. v. Max W. Poehlmann, Nathan C. Thompson, and William H. Warner, (Poehlmann Hatchery). Plea of guilty. Fine \$50. (F. D. C. No. 7684. Sample No. 23392-E.)

On September 21, 1942, the United States attorney for the District of Utah filed an information against Max W. Poehlmann, Nathan C. Thompson, and William H. Warner, copartners trading as Poehlmann Hatchery at Salt Lake City, Utah, alleging shipment on or about March 20, 1942, from the State of Utah into the State of California of a quantity of turkey eggs which were adulterated in that they consisted in whole or in part of a decomposed and putrid substance.

On October 5, 1942, the defendant having entered a plea of guilty, the court imposed a fine of \$50.

4147. Adulteration of frozen eggs. U. S. v. Washington Co-operative Egg and Poultry Association. Plea of nolo contendere. Judgment of guilty. Fine, \$100. (F. D. C. No. 6454. Sample Nos. 53125-E, 53133-E, 60164-E, 60165-E.)

On May 13, 1942, the United States attorney for the Western District of Washington filed a libel against the Washington Co-operative Egg and Poultry Association, a corporation, of Vancouver, Wash., alleging shipment within the period from on or about April 8 to on or about May 26, 1941, from the State of Washington into the States of California and Oregon of quantities of frozen eggs which were adulterated in that they consisted in whole or in part of putrid and decomposed substances.

On September 11, 1942, a plea of nolo contendere having been entered, the court adjudged the defendant guilty and imposed a fine of \$100.

4148. Adulteration of frozen whole eggs. U. S. v. 210 Cans of Frozen Eggs. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 8317. Sample No. 12740-F.)

On September 3, 1942, the United States attorney for the Eastern District of Washington filed a libel against 210 cans of frozen eggs at Spokane, Wash., alleging that the article had been shipped in interstate commerce on or about July 7, 1942, by the Fergus County Creamery from Lewistown, Mont.; and

charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On September 5, 1942, the Fergus County Creamery, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration.

4149. Adulteration of frozen whole eggs. U. S. v. 27 Cans of Frozen Whole Eggs. Default decree of condemnation and destruction. (F. D. C. No. 8098. Sample No. 15456-F.)

This product contained rodent hairs, insect fragments and nondescript dirt.

On August 12, 1943, the United States attorney for the Western District of Texas filed a libel against 27 30-pound cans of frozen whole eggs at El Paso, Texas, alleging that the article had been shipped in interstate commerce on or about May 19 and June 8, 1942, by Rhodes Ranch Egg Co., from Denver, Colo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On September 15, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4150. Adulteration of frozen whole eggs. U. S. v. 700 Cartons of Whole Eggs. Consent decree of condemnation. Product ordered released under bond to be brought into compliance with the law or destroyed. (F. D. C. No. 8103. Sample No. 9007-F.)

On August 3, 1942, the United States attorney for the Northern District of Texas filed a libel against 700 cartons, each carton containing 30 pounds, of whole eggs at Fort Worth, Tex., alleging that the article had been shipped in interstate commerce on or about July 23, 1942, by the Falls City Creamery Co. from Falls City, Nebr.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On October 3, 1942, the Texas Dehydration Products Co., Fort Worth, Tex., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration or destroyed. The cartons containing unfit eggs were segregated and destroyed.

4151. Adulteration and misbranding of frozen egg yolks. U. S. v. Rothenberg & Schneider Bros., Inc., Herman Rothenberg, and Sam Schneider. Plea of guilty on behalf of the corporation and nolo contendere by the individual defendants. Corporation fined \$25. Individual defendants found not guilty. (F. D. C. No. 7311. Sample Nos. 76587-E, 76596-E, 76787-E to 76789-E, incl.)

On October 6, 1942, the United States attorney for the Northern District of Illinois filed an information against Rothenberg & Schneider Bros., Inc., Chicago, Ill., and Herman Rothenberg and Sam Schneider, alleging shipment within the period from on or about May 12 to on or about September 2, 1941, from the State of Illinois to the State of Minnesota of a quantity of egg yolks that were adulterated and misbranded. The article was labeled in part: "Yolks With Approx. 10% Sugar."

It was alleged to be adulterated in that a mixture of egg yolks, added egg whites, and approximately 10 percent of sugar had been substituted for egg yolks with approximately 10 percent sugar.

It was alleged to be misbranded in that the statement "Yolks With Approx. 10% Sugar" was false and misleading since the said statement represented and suggested that the article consisted of egg yolks with approximately 10 percent of sugar and no other ingredient, whereas it did not so consist but did consist of egg yolks, added egg whites, and sugar.

On October 12, 1942, a plea of guilty was entered on behalf of the defendant corporation and pleas of nolo contendere were entered by the individual defendants. On October 20, 1942, the court imposed a fine of \$25 against the corporation and found the individual defendants not guilty.

4152. Adulteration of Eggomix. U. S. v. 103 Cans of Egg Whites (Eggomix). Default decree of condemnation and destruction. (F. D. C. No. 8028. Sample No. 9129-F.)

Examination showed that this product contained vegetable fragments resembling those found in chicken excreta, feather fragments, rat or mouse hairs, insects and insect fragments, and sand particles.